

Senate Study Bill 3136 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to the duties and operations of the department
2 of education and local school boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 19B.11, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. It is the policy of this state to provide equal
4 opportunity in school district, area education agency, and
5 community college employment to all persons. An individual
6 shall not be denied equal access to school district, area
7 education agency, or community college employment opportunities
8 because of race, creed, color, religion, national origin,
9 sex, sexual orientation, gender identity, age, or physical or
10 mental disability. It also is the policy of this state to
11 apply affirmative action measures to correct deficiencies in
12 school district, area education agency, and community college
13 employment systems where those remedies are appropriate. This
14 policy shall be construed broadly to effectuate its purposes.

15 Sec. 2. Section 22.7, subsection 1, Code Supplement 2009,
16 is amended to read as follows:

17 1. Personal information in records regarding a student,
18 prospective student, or former student maintained, created,
19 collected or assembled by or for a school corporation or
20 educational institution maintaining such records. This
21 subsection shall not be construed to prohibit a postsecondary
22 education institution from disclosing to a parent or guardian
23 information regarding a violation of a federal, state, or
24 local law, or institutional rule or policy governing the use
25 or possession of alcohol or a controlled substance if the
26 child is under the age of twenty-one years and the institution
27 determines that the student committed a disciplinary violation
28 with respect to the use or possession of alcohol or a
29 controlled substance regardless of whether that information is
30 contained in the student's education records. This subsection
31 shall not be construed to prohibit a school corporation or
32 educational institution from transferring student records
33 electronically to the department of education, an accredited
34 nonpublic school, an attendance center, a school district, or
35 an accredited postsecondary institution in accordance with

1 section 256.9, subsection 47.

2 Sec. 3. Section 256.5A, Code 2009, is amended to read as
3 follows:

4 **256.5A Nonvoting member.**

5 1. The governor shall appoint the one nonvoting student
6 member of the state board for a term of ~~one year~~ two
7 years beginning and ending as provided in section 69.19. The
8 nonvoting student member shall be appointed from a list of
9 names submitted by the state board of education. Students
10 enrolled in ~~either grade ten or eleven~~ in a public school
11 may apply to the state board to serve as a nonvoting student
12 member.

13 2. The department shall develop an application process that
14 requires the consent of the student's parent or guardian if
15 the student is a minor, initial application approval by the
16 school district in which the student applicant is enrolled, and
17 submission of approved applications by a school district to the
18 department.

19 3. The nonvoting student member's school district of
20 enrollment shall notify the student's parents if the student's
21 grade point average falls during the period in which the
22 student is a member of the state board.

23 4. The state board shall adopt rules under chapter 17A
24 specifying criteria for the selection of applicants whose
25 names shall be submitted to the governor. Criteria shall
26 include, but are not limited to, academic excellence,
27 participation in extracurricular and community activities,
28 and interest in serving on the board. Rules adopted by the
29 state board shall also require, if the student is a minor,
30 supervision of the student by the student's parent or guardian
31 while the student is engaged in authorized state board business
32 at a location other than the community in which the student
33 resides, unless the student's parent or guardian submits to the
34 state board a signed release indicating the parent or guardian
35 has determined that supervision of the student by the parent or

1 guardian is unnecessary.

2 5. The nonvoting student member appointment is not subject
3 to section 69.16 or 69.16A.

4 6. The nonvoting student member shall have been enrolled
5 in a public school in Iowa for at least one year prior to the
6 member's appointment. ~~A nonvoting student member who will not~~
7 ~~graduate from high school prior to the end of a second term may~~
8 ~~apply to the state board for submission of candidacy to the~~
9 ~~governor for a second one-year term.~~

10 7. A nonvoting student member shall be paid a per diem as
11 provided in section 7E.6 and the student and the student's
12 parent or guardian shall be reimbursed for actual and necessary
13 expenses incurred in the performance of the student's duties as
14 a nonvoting member of the state board.

15 8. A vacancy in the membership of the nonvoting student
16 member shall not be filled until the expiration of the term.

17 Sec. 4. Section 256.9, subsections 25 and 26, Code
18 Supplement 2009, are amended by striking the subsections.

19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code
20 Supplement 2009, is amended to read as follows:

21 a. Develop and distribute, in collaboration with the area
22 education agencies, core curriculum technical assistance
23 and implementation strategies that school districts and
24 accredited nonpublic schools shall utilize, including but
25 not limited to the development and delivery of formative and
26 ~~end-of-course model~~ end-of-course and additional assessments
27 classroom teachers may use to measure student progress
28 on the core curriculum adopted pursuant to section 256.7,
29 subsection 26. The department shall, in collaboration with the
30 advisory group convened in accordance with paragraph "b" and
31 educational assessment providers, identify and make available
32 to school districts model ~~end-of-course and additional model~~
33 ~~end-of-course~~ and additional assessments to align with the
34 expectations included in the Iowa core curriculum. The model
35 assessments shall be suitable to meet the multiple assessment

1 measures requirement specified in section 256.7, subsection 21,
2 paragraph "c".

3 Sec. 6. Section 256.10, subsection 2, Code 2009, is amended
4 to read as follows:

5 2. Appointments to the professional staff of the department
6 shall be made in accordance with section 216.6, subsection 1,
7 and shall be without reference to political party affiliation,
8 ~~religious affiliation, sex,~~ or marital status, but shall be
9 based solely upon fitness, ability, and proper qualifications
10 for the particular position. The professional staff shall
11 serve at the discretion of the director. A member of the
12 professional staff shall not be dismissed for cause without
13 ~~appropriate due process procedures including a hearing an~~
14 opportunity to meet with the director.

15 Sec. 7. Section 256.11, subsection 9B, Code Supplement
16 2009, is amended to read as follows:

17 9B. ~~Beginning July 1, 2007, each~~ Each school district shall
18 have a school nurse to provide health services to its students.
19 Each school district shall work toward the goal of having one
20 school nurse for every seven hundred fifty students enrolled in
21 the school district. ~~For purposes of this subsection, "school~~
22 ~~nurse" means a person who holds an endorsement or a statement~~
23 ~~of professional recognition for school nurses issued by the~~
24 ~~board of educational examiners under chapter 272. The scope~~
25 of practice of a school nurse shall be as established by rule
26 by the board of nursing.

27 Sec. 8. Section 256.30, Code 2009, is amended to read as
28 follows:

29 **256.30 Educational expenses for American Indians.**

30 1. The department of education shall provide moneys to pay
31 the expense of educating American Indian children residing in
32 the Sac and Fox Indian settlement on land held in trust by
33 the secretary of the interior of the United States in excess
34 of federal moneys paid to the tribal council for educating
35 the American Indian children when moneys are appropriated for

1 that purpose. ~~The tribal council shall administer the moneys~~
2 ~~distributed to it by the department and shall submit an annual~~
3 ~~report and other reports as required by the department to the~~
4 ~~department on the expenditure of the moneys.~~

5 2. The tribal council shall administer moneys distributed
6 to it by the department of education as provided in subsection
7 1. The tribal council shall first use the moneys distributed
8 ~~to it by the department of education~~ for the purposes of this
9 section to pay the additional costs of salaries for licensed
10 instructional staff for educational attainment and full-time
11 equivalent years of experience to equal the salaries listed on
12 the proposed salary schedule for the school at the Sac and Fox
13 Indian settlement for that school year, but the salary for a
14 licensed instructional staff member employed on a full-time
15 basis shall not be less than eighteen thousand dollars.

16 3. The department of management shall approve allotments
17 of moneys appropriated in for purposes of this section ~~when~~
18 ~~the department of education certifies to the department of~~
19 ~~management that the requirements of this section have been met.~~

20 Sec. 9. Section 256F.4, subsection 2, paragraph a, Code
21 2009, is amended to read as follows:

22 a. Meet all applicable federal, state, and local health and
23 safety requirements and laws prohibiting discrimination on the
24 basis of race, creed, color, sex, sexual orientation, gender
25 identity, national origin, religion, ancestry, or disability.
26 A charter school shall be subject to any court-ordered
27 desegregation plan in effect for the school district at the
28 time the school's charter application is approved.

29 Sec. 10. Section 257.6, subsection 1, paragraph a,
30 subparagraph (3), Code Supplement 2009, is amended to read as
31 follows:

32 (3) Shared-time and part-time pupils of school age enrolled
33 in public schools within the district, irrespective of the
34 districts in which the pupils reside, in the proportion that
35 the time for which they are enrolled or receive instruction for

1 the school year is to the time that full-time pupils carrying
2 a normal course schedule, at the same grade level, in the
3 same school district, for the same school year, are enrolled
4 and receive instruction. Tuition charges to the parent or
5 guardian of a shared-time or part-time nonresident pupil shall
6 be reduced by the amount of any increased state aid received by
7 the district by the counting of the pupil. This subparagraph
8 applies to pupils enrolled in grades nine through twelve under
9 section 299A.8 and to pupils from accredited nonpublic schools
10 accessing classes or services on the accredited nonpublic
11 school premises or the school district site, but excludes
12 accredited nonpublic school pupils receiving classes or
13 services funded by federal grants or allocations.

14 Sec. 11. Section 257.31, subsection 2, Code Supplement
15 2009, is amended to read as follows:

16 2. The committee shall specify the number of
17 hearings held annually, ~~the reasons for the committee's~~
18 ~~recommendations~~, information about the amounts of property
19 tax levied by school districts for a cash reserve, and other
20 information the committee deems advisable on the department of
21 education's internet ~~website~~ site.

22 Sec. 12. Section 257.37, subsection 4, Code 2009, is amended
23 to read as follows:

24 4. "*Enrollment served*" means the basic enrollment plus the
25 number of nonpublic school pupils served with media services
26 or educational services, as applicable, except that if a
27 nonpublic school pupil or a pupil attending another district
28 under a whole grade sharing agreement or open enrollment
29 receives services through an area other than the area of the
30 pupil's residence, the pupil shall be deemed to be served by
31 the area of the pupil's residence, which shall by contractual
32 arrangement reimburse the area through which the pupil actually
33 receives services. Each school district shall include in
34 the enrollment report submitted pursuant to section 257.6,
35 subsection 1, the number of nonpublic school pupils within each

1 school district for media and educational services served by
2 the area. However, the school district shall not include in
3 the enrollment report nonpublic school pupils receiving classes
4 or services funded by federal grants or allocations.

5 Sec. 13. Section 259A.1, Code 2009, is amended to read as
6 follows:

7 **259A.1 Tests.**

8 The department of education shall cause to be made
9 available for qualified individuals a high school equivalency
10 diploma. The diploma shall be issued on the basis of
11 satisfactory competence as shown by tests covering all of the
12 following: ~~reading, arts, language arts, writing~~ language
13 arts-reading, language arts-writing, mathematics, science, and
14 social studies.

15 Sec. 14. Section 261E.8, subsection 5, Code Supplement
16 2009, is amended by striking the subsection.

17 Sec. 15. Section 272.15, subsection 2, Code 2009, is amended
18 to read as follows:

19 2. If, in the course of performing official duties, an
20 employee of the department becomes aware of any alleged
21 misconduct by an individual licensed under this chapter, the
22 employee ~~shall~~ may report the alleged misconduct to the board
23 of educational examiners under rules adopted pursuant to
24 subsection 1.

25 Sec. 16. Section 273.3, subsection 12, Code Supplement
26 2009, is amended to read as follows:

27 12. Prepare an annual budget estimating income and
28 expenditures for programs and services as provided in sections
29 273.1 to 273.9 and chapter 256B within the limits of funds
30 provided under section 256B.9 and chapter 257. The board
31 shall give notice of a public hearing on the proposed budget
32 by publication in an official county newspaper in each county
33 in the territory of the area education agency in which the
34 principal place of business of a school district that is a part
35 of the area education agency is located. The notice shall

1 specify the date, which shall be not later than March 1 of
2 each year, the time, and the location of the public hearing.
3 The proposed budget as approved by the board shall then be
4 submitted to the state board of education, on forms provided
5 by the department, no later than March 15 preceding the
6 next fiscal year for approval. The state board shall review
7 the proposed budget of each area education agency and shall
8 before ~~April~~ May 1, either grant approval or return the budget
9 without approval with comments of the state board included. An
10 unapproved budget shall be resubmitted to the state board for
11 final approval not later than ~~April~~ May 15. ~~For the fiscal~~
12 ~~year beginning July 1, 1999, and each succeeding fiscal year,~~
13 ~~the~~ The state board shall give final approval only to budgets
14 submitted by area education agencies accredited by the state
15 board or that have been given conditional accreditation by the
16 state board.

17 Sec. 17. Section 273.23, subsection 5, Code 2009, is amended
18 to read as follows:

19 5. The initial board, or new board if established in time
20 under subsection 3, of the newly formed agency shall prepare an
21 annual budget estimating income and expenditures for programs
22 and services as provided in sections 273.1 through 273.9
23 and chapter 256B within the limits of funds provided under
24 section 256B.9 and chapter 257. The board shall give notice
25 of a public hearing on the proposed budget by publication in
26 an official county newspaper in each county in the territory
27 of the area education agency in which the principal place
28 of business of a school district that is a part of the area
29 education agency is located. The notice shall specify the
30 date, which shall not be later than March 1, the time, and
31 the location of the public hearing. The proposed budget as
32 approved by the board shall be submitted to the state board,
33 on forms provided by the department, no later than March 15
34 for approval. The state board shall review the proposed
35 budget of the newly formed area education agency and shall,

1 before ~~April~~ May 1, either grant approval or return the budget
2 without approval with comments of the state board included. An
3 unapproved budget shall be resubmitted to the state board for
4 final approval not later than ~~April~~ May 15. The state board
5 shall give final approval only to budgets submitted by area
6 education agencies accredited by the state board or that have
7 been given conditional accreditation by the state board.

8 Sec. 18. Section 279.30, Code 2009, is amended to read as
9 follows:

10 **279.30 Exceptions.**

11 Each payment must be made payable to the person entitled to
12 receive the money or deposited directly into an account at a
13 financial institution, as defined in section 527.2, specified
14 by the person entitled to receive the money. The board of
15 directors of a school district or an area education agency may
16 by resolution authorize the secretary, upon approval of the
17 superintendent or designee, or administrator, in the case of
18 an area education agency, to issue payments when the board
19 of directors is not in session in payment of reasonable and
20 necessary expenses, but only upon verified bills filed with the
21 secretary or administrator, and for the payment of salaries
22 pursuant to the terms of a written contract. Each payment
23 must be made payable only to the person performing the service
24 or presenting the verified bill, and must state the purpose
25 for which the payment is issued. All bills and salaries for
26 which payments are issued prior to audit and allowance by the
27 board must be passed upon by the board of directors at the next
28 meeting and be entered in the regular minutes of the secretary.

29 Sec. 19. Section 279.42, Code 2009, is amended to read as
30 follows:

31 **279.42 Gifts to schools.**

32 The board of directors of a school district ~~which~~ that
33 receives funds through ~~gifts, devises, and bequests~~ a gift,
34 devise, or bequest shall deposit ~~these~~ the funds in a trust
35 ~~and, permanent, or~~ agency fund and ~~shall use them~~ the funds in

1 accordance with the terms of the gift, devise, or bequest.

2 Sec. 20. Section 280.3, subsection 2, Code 2009, is amended
3 to read as follows:

4 2. The minimum educational program shall be the curriculum
5 set forth in subsection 3 of this section and section 256.11,
6 except as otherwise provided by law. The board of directors of
7 a public school district shall not allow discrimination in any
8 educational program on the basis of race, color, creed, sex,
9 ~~marital status~~, sexual orientation, gender identity, or place
10 of national origin.

11 Sec. 21. Section 282.9, subsection 1, Code Supplement 2009,
12 is amended to read as follows:

13 1. Notwithstanding this chapter and sections 275.55A, and
14 256F.4, and 282.18, or any other provision to the contrary,
15 prior to knowingly enrolling an individual who is required
16 to register as a sex offender under chapter 692A, but who is
17 otherwise eligible to enroll in a public school, the board of
18 directors of a school district shall determine the educational
19 placement of the individual. Upon receipt of notice that a
20 student who is enrolled in the district is required to register
21 as a sex offender under chapter 692A, the board shall determine
22 the educational placement of the student. The tentative agenda
23 for the meeting of the board of directors at which the board
24 will consider such enrollment or educational placement shall
25 specifically state that the board is considering the enrollment
26 or educational placement of an individual who is required
27 to register as a sex offender under chapter 692A. If the
28 individual is denied enrollment in a school district under this
29 section, the school district of residence shall provide the
30 individual with educational services in an alternative setting.

31 Sec. 22. Section 282.18, subsection 4, Code Supplement
32 2009, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. *bb.* If a request for transfer is submitted
34 to the receiving district after March 1 of the preceding
35 school year on behalf of a pupil whose sibling is already

1 participating in open enrollment, the receiving district shall
2 take action to approve the request.

3 Sec. 23. Section 282.18, subsection 5, Code Supplement
4 2009, is amended to read as follows:

5 5. Open enrollment applications filed after March 1
6 of the preceding school year that do not qualify for ~~good~~
7 cause approval as provided in subsection 4 shall be subject
8 to the approval of the board of the resident district and
9 the board of the receiving district. The parent or guardian
10 shall send notification to the district of residence and the
11 receiving district that the parent or guardian seeks to enroll
12 the parent's or guardian's child in the receiving district. A
13 decision of either board to deny an application filed under
14 this subsection involving repeated acts of harassment of the
15 student or serious health condition of the student that the
16 resident district cannot adequately address is subject to
17 appeal under section 290.1. The state board shall exercise
18 broad discretion to achieve just and equitable results that are
19 in the best interest of the affected child or children.

20 Sec. 24. Section 284.10, subsection 2, Code 2009, is amended
21 to read as follows:

22 2. An administrator licensed under chapter 272 who conducts
23 evaluations of teachers for purposes of this chapter shall
24 complete the evaluator training program. A practitioner
25 licensed under chapter 272 who is not an administrator
26 may enroll in the evaluator training program. Enrollment
27 preference shall be given to administrators and to other
28 practitioners who are not beginning teachers. Upon successful
29 completion, the provider shall certify that the administrator
30 or other practitioner is qualified to conduct evaluations
31 for employment, make recommendations for licensure, and make
32 recommendations that a teacher is qualified to advance from one
33 career path level to the next career path level pursuant to
34 this chapter. Certification is for a period of five years and
35 may be renewed.

1 Sec. 25. Section 285.9, Code 2009, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 5. Review all transportation disputes
4 between districts. If the affected districts are located in
5 more than one area education agency, the area education agency
6 in which the affected district with the greatest certified
7 enrollment is located shall be the reviewing agency. In
8 resolving disputes between districts, the reviewing agency
9 board shall, after receiving all facts, make such alterations
10 or changes as necessary to make the arrangements, designations,
11 and contracts conform to the legal and established requirements
12 and shall notify each affected local school board of such
13 action. An affected district may appeal the decision of the
14 agency board to the director of the department of education by
15 following the timelines and procedures in section 285.12.

16 Sec. 26. Section 291.1, Code 2009, is amended to read as
17 follows:

18 **291.1 President — duties.**

19 The president of the board of directors shall preside at
20 all of its meetings, sign all contracts made by the board,
21 and appear ~~in~~ on behalf of the corporation in all actions
22 brought by or against it, unless individually a party, in
23 which case this duty shall be performed by the secretary.
24 The president or the president's designee shall sign, using
25 an original or facsimile signature, all school district
26 ~~warrants payments~~ drawn and authorize electronic funds
27 transfers as provided by law. The board of directors, by
28 resolution, may designate an individual, who shall not be the
29 secretary, to sign ~~warrants payments~~ or authorize electronic
30 funds transfers on behalf of the president.

31 Sec. 27. Section 291.6, subsection 3, Code 2009, is amended
32 by striking the subsection and inserting in lieu thereof the
33 following:

34 3. *Accounting records.* Keep an accurate accounting record
35 of each payment or electronic funds transfer from each fund

1 which shall be provided monthly to the board of directors. The
2 secretary of the creditor district shall prepare and deliver to
3 debtor districts an itemized statement of tuition fees charged
4 in accordance with sections 275.55A and 282.11, and section
5 282.24, subsection 1.

6 Sec. 28. Section 291.6, subsection 4, Code 2009, is amended
7 to read as follows:

8 4. *Claims.* Keep an accurate ~~account~~ accounting of all
9 expenses incurred by the corporation, and present the same to
10 the board for audit and payment.

11 Sec. 29. Section 291.7, Code 2009, is amended to read as
12 follows:

13 **291.7 Monthly receipts, disbursements, and balances.**

14 The secretary of each district shall file monthly with
15 the board of directors a complete statement of all receipts
16 and disbursements from ~~the various funds~~ each individual
17 fund during the preceding month, and also the balance remaining
18 on hand in ~~the various funds~~ each individual fund at the
19 close of the period covered by the statement, which monthly
20 statements shall be open to public inspection.

21 Sec. 30. Section 291.8, Code 2009, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **291.8 Payments.**

24 The secretary shall make each authorized payment,
25 countersign using an original or facsimile signature, and
26 maintain accounting records of the payments or electronic funds
27 transfers, showing the number, date, payee, originating fund,
28 the purpose, and the amount, and shall provide to the board at
29 each regular annual meeting a copy of the accounting records
30 maintained by the secretary.

31 Sec. 31. Section 291.12, Code 2009, is amended to read as
32 follows:

33 **291.12 Duties of treasurer — ~~payment of warrants~~ payments.**

34 The treasurer shall receive all moneys belonging to the
35 corporation, pay the same out only upon the order of the

1 president countersigned by the secretary, ~~keeping~~ and shall
2 keep an accurate account accounting record of all receipts
3 and expenditures ~~in a book provided for that purpose~~. The
4 treasurer shall register all ~~orders drawn~~ payments and
5 electronic funds transfers made and reported to the treasurer
6 by the secretary, showing the number, date, to whom drawn, the
7 fund ~~upon~~ from which drawn each payment and transfer was made,
8 the purpose and amount.

9 Sec. 32. Section 291.14, Code 2009, is amended to read as
10 follows:

11 **291.14 Financial statement.**

12 The treasurer shall render a statement of the finances of the
13 corporation whenever required by the board, and the treasurer's
14 ~~books~~ accounting records shall always be open for inspection.

15 Sec. 33. Section 298A.13, Code 2009, is amended to read as
16 follows:

17 **298A.13 Trust, permanent, or agency funds.**

18 Trust, permanent, or agency funds shall be established by
19 any school corporation to account for gifts it receives to
20 be used for a particular purpose or to account for money and
21 property received and administered by the district as trustee
22 or custodian or in the capacity of an agent. Boards may
23 establish trust ~~and~~, permanent, or agency funds as necessary.

24 Sec. 34. Section 299A.11, Code 2009, is amended to read as
25 follows:

26 **299A.11 Student records confidential.**

27 Notwithstanding any provision of law or rule to the
28 contrary, personal information in records regarding a child
29 receiving competent private instruction pursuant to this
30 chapter, which are maintained, created, collected, or assembled
31 by or for a state agency, shall be kept confidential in
32 the same manner as personal information in student records
33 maintained, created, collected, or assembled by or for a school
34 corporation or educational institution in accordance with
35 section 22.7, subsection 1. For purposes of this section,

1 "personal information in records regarding a child receiving
2 competent private instruction" shall include the child's
3 name and home address as well as all other information that
4 personally identifies the child.

5 Sec. 35. Section 321.1, subsection 69, unnumbered paragraph
6 1, Code Supplement 2009, is amended to read as follows:

7 "School bus" means every vehicle operated for the
8 transportation of children to or from school or school
9 activities, except vehicles which are:

10 Sec. 36. Section 321.1, subsection 69, paragraph d, Code
11 Supplement 2009, is amended to read as follows:

12 d. Designed to carry not more than nine persons as
13 passengers, either school owned or privately owned, which
14 ~~are used to transport pupils to activity events in which the~~
15 ~~pupils are participants or used to transport pupils to their~~
16 homes in case of illness or other emergency situations. The
17 vehicles operated under the provisions of this paragraph
18 shall be operated by employees of the school district who are
19 specifically approved by the local superintendent of schools
20 for the assignment.

21 Sec. 37. Section 321.373, subsection 1, Code 2009, is
22 amended to read as follows:

23 1. Every school bus ~~except private passenger vehicles~~
24 ~~used as school buses~~ as defined in section 321.1, subsection
25 69, shall be constructed and equipped to meet safety standards
26 prescribed in rules adopted by the state board of education.
27 Such rules shall conform to safety standards set forth in
28 federal laws and regulations and shall conform, insofar
29 as practicable, to the minimum standards for school buses
30 recommended by the national conference on school transportation
31 administered by the national commission on safety education and
32 published by the national education association.

33 Sec. 38. Section 321.376, Code Supplement 2009, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 3. The provisions of this section relating

1 to a certificate of qualification and approved course of
2 instruction shall not apply to a person driving a vehicle
3 designed to carry not more than nine persons as passengers,
4 either school owned or privately owned, used to transport
5 pupils to school activities or events.

6 Sec. 39. Section 321.379, Code 2009, is amended to read as
7 follows:

8 **321.379 Violations.**

9 No school board, individual, or organization shall purchase,
10 construct, or contract for use, to transport pupils to or
11 from school or school activities, any school bus which does
12 not comply with the minimum requirements of section 321.373
13 and any individual, or any member or officer of such board or
14 organization who authorizes, the purchase, construction, or
15 contract for any such bus not complying with these minimum
16 requirements shall be guilty of a misdemeanor punishable as
17 provided in section 321.482.

18 Sec. 40. Section 321J.3, subsection 1, paragraph c, Code
19 2009, is amended to read as follows:

20 c. The court may prescribe the length of time for the
21 evaluation and treatment or it may request that the community
22 college or other approved provider conducting the course
23 for drinking drivers which the person is ordered to attend
24 or the treatment program to which the person is committed
25 immediately report to the court when the person has received
26 maximum benefit from the course for drinking drivers or
27 treatment program or has recovered from the person's addiction,
28 dependency, or tendency to chronically abuse alcohol or drugs.

29 Sec. 41. Section 321J.17, subsection 2, paragraph b, Code
30 2009, is amended to read as follows:

31 b. The court or department may request that the community
32 college or substance abuse treatment providers licensed under
33 chapter 125 or other approved provider conducting the course
34 for drinking drivers that the person is ordered to attend
35 immediately report to the court or department that the person

1 has successfully completed the course for drinking drivers.
2 The court or department may request that the treatment program
3 which the person attends periodically report on the defendant's
4 attendance and participation in the program, as well as the
5 status of treatment or rehabilitation.

6 Sec. 42. Section 321J.22, subsection 1, Code 2009, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *Oa.* "*Approved provider*" means a provider of
9 a course offered outside this state for drinking drivers which
10 has been approved by the department of education.

11 Sec. 43. Section 321J.22, subsection 2, Code 2009, is
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. *cc.* The department of education may approve
14 a provider of a course offered outside this state for drinking
15 drivers upon proof to the department's satisfaction that the
16 course is comparable to those offered by community colleges,
17 substance abuse treatment programs licensed under chapter 125,
18 and state correctional facilities as provided in this section.
19 The department shall comply with the requirements of subsection
20 5 regarding such approved providers.

21 Sec. 44. Section 331.756, subsection 7, Code 2009, is
22 amended to read as follows:

23 7. Give advice or a written opinion, without compensation,
24 to the board and other county officers and to ~~school~~
25 ~~and~~ township officers, when requested by an officer, upon
26 any matters in which the state, county, ~~school~~, or township
27 is interested, or relating to the duty of the officer in any
28 matters in which the state, county, ~~school~~, or township may
29 have an interest, but the county attorney shall not appear
30 before the board at a hearing in which the state or county is
31 not interested.

32 Sec. 45. REPEAL. Sections 256.20 and 256.23, Code 2009,
33 are repealed.

34 Sec. 46. STATE MANDATE FUNDING SPECIFIED. In accordance
35 with section 25B.2, subsection 3, the state cost of requiring

1 compliance with any state mandate included in this Act shall
2 be paid by a school district from state school foundation aid
3 received by the school district under section 257.16. This
4 specification of the payment of the state cost shall be deemed
5 to meet all of the state funding-related requirements of
6 section 25B.2, subsection 3, and no additional state funding
7 shall be necessary for the full implementation of this Act
8 by and enforcement of this Act against all affected school
9 districts.

10

EXPLANATION

11 This bill makes miscellaneous changes to Code provisions
12 relating to education as follows:

13 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
14 amended to establish that the provision does not prohibit a
15 school corporation or educational institution from transferring
16 student records electronically to other school corporations or
17 educational institutions in accordance with the department of
18 education's comprehensive management information system and
19 uniform coding and reporting system.

20 Code section 299A.11 is amended to provide that "personal
21 information in records regarding a child receiving competent
22 private instruction" includes the child's name and home
23 address, and any other information that personally identifies
24 the child.

25 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
26 256.5A is amended to increase the term of the nonvoting student
27 member of the state board of education from one year to two
28 years, and provides that the student must be enrolled in grade
29 10 when applying for the appointment. Currently, a student may
30 be enrolled in grade 10 or 11 at the time the student applies.

31 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,
32 subsections 25 and 26, are stricken. The provisions require
33 the director of the department of education to cause to
34 be printed in book form, every four years since 1987, all
35 school laws, and changes to school laws, with forms, rulings,

1 decisions, notes, and suggestions which may aid school officers
2 in the proper discharge of their duties. The book must be
3 furnished to school and area officers and administrators,
4 members of the general assembly, and others as reasonably
5 requested.

6 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is
7 amended by striking a provision that prohibits the dismissal
8 of a member of the professional staff for cause without
9 appropriate due process procedures, but adds that the person
10 must not be dismissed without an opportunity to meet with the
11 director of education. The bill also adds that appointments
12 to the professional staff must be made in accordance with Code
13 section 216.6, subsection 1, which prohibits discriminatory
14 employment practices. Code sections 19B.11, 256F.4, and 280.3
15 are amended to conform them to Code section 216.6.

16 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES. Code
17 section 256.11 is amended to replace language defining "school
18 nurse" with language providing that the scope of practice of a
19 school nurse shall be as established by the board of nursing.

20 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
21 provides for the distribution and administration of moneys
22 in excess of federal moneys to pay the expense of educating
23 American Indian children residing in the Sac and Fox Indian
24 settlement. The bill eliminates language that requires the
25 tribal council to submit an annual report to the department of
26 education accounting for expenditure of the moneys and requires
27 the department of education to certify compliance before the
28 department of management can approve allotment of the moneys.

29 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
30 257.6 is amended to specify that accredited nonpublic school
31 pupils receiving classes or services funded by federal grants
32 or allocations shall not be counted in a school district's
33 enrollment as shared-time or part-time pupils. The bill makes
34 a conforming change to Code section 257.37, subsection 4.

35 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.

1 Code section 257.31, subsection 2, is amended to eliminate a
2 requirement that the school budget review committee specify on
3 its internet site annually the reasons for its recommendations.
4 This reference to recommendations was tied to a requirement
5 that the committee report to the general assembly any
6 recommended changes in laws relating to school districts, but
7 that requirement was stricken by legislation enacted in 2009.

8 DISTRICT-TO-COMMUNITY COLLEGE SHARING OR CONCURRENT
9 ENROLLMENT PROGRAM — TRANSPORTATION. Code section 261E.8,
10 which provides for the district-to-community college sharing
11 or concurrent enrollment program, is amended to strike a
12 requirement that the parent or legal guardian of a student who
13 has enrolled in and is attending a community college under
14 the program furnish transportation to and from the community
15 college for the student.

16 REPORTING ALLEGED MISCONDUCT. Code section 272.15,
17 subsection 2, is amended to allow, rather than require, an
18 employee of the department of education to report alleged
19 misconduct by an individual licensed by the board of
20 educational examiners, that the employee becomes aware of in
21 the course of performing official duties.

22 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are
23 amended to extend the dates by which area education agency
24 proposed budgets must be reviewed, approved, or returned by the
25 state board and resubmitted to the state board if the first
26 submission is not approved.

27 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
28 279.30 is amended to allow the board of directors of a
29 school district or of an AEA to direct deposit a payment at a
30 financial institution specified by the person entitled to the
31 money. Code section 291.1; Code section 291.6, subsections
32 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14
33 are amended to replace references to "books", "registers",
34 and "warrants" with references to payments, electronic funds
35 transfers, and accounting records and to make related changes.

1 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
2 amended to give school districts the option of establishing a
3 permanent fund for gifts received and to allow school districts
4 to deposit funds received from gifts, devises, and bequests
5 into a trust, permanent, or agency fund.

6 CODE CORRECTIONS. The bill makes corrections to Code
7 section 256.9 to change references to model end-of-course
8 assessments and to Code section 259A.1 to change references to
9 subjects covered by high school equivalency diploma tests.

10 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.
11 Code section 282.9, subsection 1, is amended to notwithstand
12 Code chapter 282, relating to school attendance and tuition,
13 rather than notwithstanding only Code section 282.18, the
14 Code section relating to open enrollment. The language of
15 Code section 282.9, subsection 1, provides that prior to
16 knowingly enrolling a student who is required to register as
17 a sex offender, the school district's board of directors must
18 determine the educational placement of the individual and place
19 notice of that consideration on the board's tentative meeting
20 agenda. If the board denies enrollment to the individual, the
21 school district of residence must provide the individual with
22 educational services in an alternative setting.

23 OPEN ENROLLMENT BY SIBLING. Code section 282.18, subsection
24 4, is amended to require that a receiving district approve
25 a transfer request submitted after March 1 of the preceding
26 school year if the sibling of the pupil for whom the request
27 is made is already participating in open enrollment to the
28 receiving district. The bill makes a conforming change to Code
29 section 282.18, subsection 5.

30 EVALUATOR TRAINING PROGRAM. Code section 284.10, subsection
31 2, is amended to give program enrollment preference to other
32 practitioners who are not beginning teachers. Currently, only
33 school administrators are given preference.

34 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
35 provision to Code section 285.9 to assign the duty of reviewing

1 and resolving all transportation disputes between districts to
2 the AEA boards.

3 SCHOOL BUS — DEFINITION. Code section 321.1, subsection
4 69, is amended to strike from an exemption to the definition
5 of "school bus", language that includes a vehicle operated for
6 the transportation of children to or from school activities.
7 Currently, the definition is limited to transportation of
8 children to or from school. The bill makes a conforming
9 amendment to Code section 321.373 to provide that every
10 school bus, including those used to transport students to
11 school activities, must be constructed and equipped to meet
12 specified safety standards. However, the bill amends Code
13 section 321.376 to provide that certificate of qualification
14 and approved course of instruction requirements do not apply
15 to persons driving pupils to activities in nine-passenger
16 vehicles.

17 APPROVED COURSES FOR DRINKING DRIVERS. Code sections 321J.3
18 and 321J.17 are amended to expand the providers of drinking
19 driver courses supervised and approved by the department of
20 education to include "other approved providers", which the
21 bill defines in Code section 321J.22, as providers of courses
22 offered out of state. The providers of out-of-state courses
23 must prove to the department's satisfaction that the course is
24 comparable to those offered by community colleges and substance
25 abuse treatment programs. The bill establishes that other
26 approved providers may be requested to meet the same reporting
27 requirements as the community colleges and substance abuse
28 treatment programs.

29 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code section
30 331.756, subsection 7, which specifies the duties of county
31 attorneys, to eliminate a requirement that county attorneys
32 give advice or a written opinion to school officers upon
33 request.

34 CODE SECTIONS REPEALED. The bill repeals the following:

35 1. Code section 256.20, which permits school districts to

1 request approval from the state board of education for a pilot
2 project for a year-around three-semester school year.

3 2. Code section 256.23, which establishes a recruitment and
4 advancement program to provide for the allocation of grants
5 to school corporations for pilot projects that encourage
6 the advancement of women and minorities to administrative
7 positions.

8 STATE MANDATE. The bill may include a state mandate as
9 defined in Code section 25B.3. The bill requires that the
10 state cost of any state mandate included in the bill be
11 paid by a school district from state school foundation aid
12 received by the school district under Code section 257.16. The
13 specification is deemed to constitute state compliance with
14 any state mandate funding-related requirements of Code section
15 25B.2. The inclusion of this specification is intended to
16 reinstate the requirement of political subdivisions to comply
17 with any state mandates included in the bill.